IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.365 OF 2004

Mrtunjay Pandey ..Petitioner.

Vs.

Affinity Media Pvt. Ltd. & Ors. ..Respondents.

Ms.Sawmya Srikrishna i/b.Rekha Rajgopal, Advocate for the Petitioner.

Mr.V.R.Dhond i/b.Medialexicon for the Respondents.

CORAM: S.J. VAZIFDAR, J.
DATED: 25TH OCTOBER, 2004

P.C. :

1. The Petitioner seeks reliefs which in effect pertained to Respondent No.1. Respondent No.1 is not a party to the arbitration agreement which is sought to be invoked by the Petitioner.

2. The Petitioner's case is that Respondent No.1 is a necessary party and that the Petitioner is therefore entitled to the reliefs against Respondent No.1. That issue, if all, can only be decided in the arbitration proceedings. I may hasten to add that I do not thereby imply that the arbitrators would have jurisdiction against Respondent No.1.

3. Mr.Dhond, the learned counsel appearing on behalf of the Respondents states that in any event Respondent Nos.2 and 3 have no objection to the earlier interim orders dated 20.9.2004 and 4.10.2004 continuing.

4. He further states that Respondent Nos.2 and 3 shall not dispose of, alienate, encumber or create any third party right, title and/or interest in respect of their respective shares in Respondent No.1.

5. Hence, the following order is passed :-

i) Respondent Nos.2 and 3 shall act in compliance with the interim orders dated 20.9.2004 and 4.10.2004.

ii) Respondent Nos.2 and 3 are restrained from disposing of, alienating, encumbering or creating any third party right, title and/or interest in respect of their respective shares in Respondent No.1.

Petition is accordingly disposed of.

Parties to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer.